

The Street Cop Fallacy: Effectively Targeting Local Police Reform in Kosovo (2008-ongoing) and Bosnia (2003- 2012)

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Introduction

International intervention into post-conflict states has over the past decades increased in intrusiveness, scope, and ambition. External support for police reforms comes into play in situations where local police capacities are absent or so dysfunctional and biased they cannot effectively carry out the core responsibilities of a police force.¹ Reforming police after conflict is hence not a technical exercise aimed at strengthening an apolitical institution, but a social and political task that goes to the heart of local power balances and perceptions of internal security.² Consequently, local organizational structures and power hierarchies influence how police reform is carried out most efficiently. That means local structures and hierarchies determine at which level of the police needs to be targeted to be most effective.

Many authors, however, observe that whenever international police officers fail to find the practical nitty-gritty guidance they require in the order to implement 'European and international best practices', these officers fall back on their national guidelines and procedures. In a similar vein, police reform specialists have started to recommend national policing models and experience as guidance for post-conflict police reform. One such example is the recommendation to include into all reforms the so-called 'street cops'. This recommendation is based on the idea that these lower ranking officers have broad discretion in implementing police procedures and laws on the streets. To fit their preferred style and mode of policing, they tend to change or adapt reforms from above (from the 'management cops'). If street cops do not buy into the reforms, this tendency to modify reforms can mean they will not get implemented in full or as intended.³ As a result, scholars working in this field have recommended a bottom-up approach to police reforms to ensure proper implementation.

While this advice at face value sounds reasonable, it presents three interrelated problems. First, the scholars who originally made these recommendations drew them from observations of 1970s and 1980s policing problems in the UK and the US. The noted divide between street cops and management cops was the consequence of the beginning of

institutionalizing policing procedures to cut down on ingrained police secrecy, graft, and corruption.⁴ As such this scholarship represented a very particular moment in time and reflected a policing situation prior to these changes. In this particular time and context street cops had a very large degree of discretion and leeway in how to interpret the laws and which jobs to ‘crime’ and which to ‘cuff’.⁵ Second, and consequentially, modern day policing in the UK (used as an example here) bears little resemblance to the policing practices and cultures of discretion described in this earlier scholarship. The modern street cop in the UK is monitored nearly completely, from CCTV on the streets and in all public areas of the police stations, to body-worn cameras by officers, trackers in police cars, and recording of all internal radio communications and 999 calls, not to mention members of the public with smartphones. Discretion to ‘cuff’ jobs, let off offenders, and bend or break policies and laws to fit their convenience has hence become very limited. Third, if policing in the UK has moved so far away from the days of *Life on Mars*,⁶ why does this outdated reality serve to inform international peacebuilding practices today? While some post-conflict environments may resemble 1970s British policing more than its modern equivalent, the uncritical import of the assumptions of unlimited police discretion and reform slippage—what I term the ‘street cop fallacy’—hinders the proper understanding of post-conflict policing realities. This chapter argues that such an understanding is required to allow for effective targeting of police reforms.

Based on these problems with the scholarship, this chapter has three objectives. First, it presents and analyzes the original scholarship’s arguments about street and management cops to understand the assumptions and context that spawned them. From this, it draws a comparison with modern day British policing, which constitutes the actual national background British police officers fall back on in an international police reform operation. Second, this chapter shows that the street cop fallacy misunderstands post-conflict police reform contexts. Its application to international peacebuilding has clouded rather than

supported our approach to effectively targeting police reform as the insistence on bottom-up reforms does not consider the particular local organization of the police. Empirical evidence from the EU's two largest police support operations, the EU Rule of Law Mission in Kosovo (EULEX) and the EU Police Mission in Bosnia-Herzegovina (BiH) (EUPM) demonstrates that police reform in both countries needs to follow a top-down approach due to the rigid hierarchy of the local police forces' chain of command, which negates any attempt to target reforms at lower level police officers. Lower ranks have no discretion whatsoever, not because of a high degree of institutionalization and surveillance as in Britain, but because the rigid hierarchy forbids delegation of power and decision-making to lower ranks. International police reforms in Kosovo and Bosnia therefore need to target the highest ranks and then rely on senior leaders to effect the changes throughout the local police. Hence, they require a top-down rather than a bottom-up approach to police reform. Third, drawing on the different realities of policing (1970s-1980s UK, modern day UK, Kosovo/BiH) this chapter constructs a matrix of the two principles which determine these different realities, the degree of institutionalization, and the degree of hierarchy. A matrix along these two axes helps visualize the differences and understand the principles and assumptions at play in each and can serve to locate other post-conflict cases which divert from all three cases discussed here. This matrix hence allows for clearly depicting the real context of local police reform rather than 'borrowing' that of other countries and times and assist in targeting police reforms to the level of the police where they will be most effective. The following section presents the two determinants of policing styles and then analyzes the policing models of Britain and the US before the 1970s and today, as those are the cases discussed in the scholarship that inform the peacebuilding recommendations regarding street cops.

Life on Mars vs. Surveillance Culture

This chapter focuses on the effective targeting of international police reforms. It shows that the level at which reforms are best targeted depends on two determinants: the level of hierarchy and the level of institutionalization. Both concepts are not binary but matters of degree. The position of each force on the spectra of hierarchy and institutionalization tell us where international police reforms need to be targeted, at the top or at the bottom.

Institutionalization is understood here as behavior and actions of the police being guided and limited by laws, policies, rules, and formal guidelines of the police organization. A high degree of institutionalization means that officer conduct is determined strongly by such laws and policies and that consequently the degree of discretion they can exercise is very limited. A low degree of institutionalization means that officers are only roughly guided by laws and policies; they can exercise a high degree of discretion and autonomy in deciding how to apply laws and policies.

Hierarchy is understood here as an indicator of the internal coherence of a police organization and refers to the strength of the chain of command. A high degree of hierarchy means that officers are guided unquestioningly by the orders of their superiors, and as long as they do so are protected by them in turn. A low degree of hierarchy means officers have a high degree of personal autonomy and may follow orders of their superiors as long as these do not contravene any important code of conduct (formal or informal). Likewise, in this case the strength of the relationship between the ranks is quite loose.

With this conceptual understanding in mind, the following section analyzes policing in the UK before and after the reforms of the 1970s and 1980s and shows how their position on the spectra of institutionalization and hierarchy changed as a result of these reforms.

Policing in the 1960s and 1970s in both Britain and the US was based on the laws of the state and the professional judgement of the officer in interpreting and applying them. Police officers hence had a large degree of discretion in how and when to apply these laws. Waddington captures this spirit very well: “police officers do not mechanically enforce the

law: they pay attention to some incidents and not to others; they invoke their formal powers against some suspects while allowing others to go with a warning; they pay more attention to some people than to others. In other words, discretion is the pivot upon which the exercise of authority revolves”.⁷ Discretion was aided by the low degree of external accountability and high ethos of solidarity in which officers, even if they made a mistake, could often rely on their line managers or peers to help them cover it up.

It is this solidarity and cohesion of the police, including the higher ranks, that street cops in 1980s New York lamented to have lost, according to the observational work of Francis Ianni and Elizabeth Reuss-Ianni.⁸ Their work captures a point in time in the US in which this ethos and style of policing was in the process of being reformed due to the downsides of solidarity, namely corruption and graft. The authors found that as a result of this top-down reform process, which aimed at greater accountability of the police, the police became divided into what they call ‘street cops’ and ‘management cops’.⁹ Street cops are lower ranking officers who exercised a large degree of autonomy in their style of policing. They were disgruntled about the reforms that centralized decision-making at the higher levels, thus reducing their autonomy. Hence a split was observed by the authors in which street cops started to view the ‘management cops’ as being separate and more closely aligned with politics and holding a different ethos of policing. Street cops preferred the ‘good old days’ of policing using their gut-level and professional experience to guide them rather than implementing the policies of “management”.¹⁰ Essentially, senior leaders were aiming to cut-down the discretion of officers and make policing more coherent and accountable by instituting standardized policies and guidelines. Lower level officers viewed these attempts with suspicion as they preferred to keep their discretion and autonomy rather than have their “hands tied” by such reforms.

The divergence in policing cultures between the street cops and the management cops led to reforms and programs introduced by management being adjusted and changed by street

cops to fit their preferred style and ethos of policing. Simon Holdaway, a policing scholar, gives several examples of how management reforms to cut down on street robberies were changed by street cops to the degree that the original intent of the changes was no longer recognizable.¹¹ Such reform or project slippage and adjustment is what Ianni and Reuss-Ianni also highlight with regard to the division between the two policing cultures, suggesting that any reform needs to be bought into by street cops to ensure it actually gets implemented as intended. Nigel Fielding and Tank Waddington, British policing scholars, come to the same conclusion based on their work with the British police in the 1970s and 1980s.¹² It is important to note that these works observed and explained a temporary and dynamic process particular to the late 1970s and 1980s (and to a degree in the 1990s) in both Britain and the US. This process was characterized by the clash of the “Life on Mars” style of policing (high discretion and autonomy) and the beginning of surveillance policing that sought to eradicate both in the name of institutionalization and accountability. Although this scholarship captures a time in which top-down reforms were harder to enforce due to the insistence of street cops on their autonomy, it finally did succeed in regulating street cop conduct.

Consequently, reading the police scholarship of the 1980s and 1990s today (2016) makes it sound as though it was describing a different planet, especially if one had not lived through those times. Policing in Britain today is no longer characterized by high levels of discretion and autonomy, but rather by the comprehensive surveillance and accountability the police are subject to by their internal Police Standards Department, the Police and Crime Commissioner, the Independent Police Complaints Commission, and of course the media and general public. While this does not exclude the possibility of leeway in certain instances, Waddington’s dictum that ‘police do not mechanically enforce the law’ no longer rings true today as the web of policies, laws, and guidelines has become so dense as to leave little discretion for the officers and actually makes their policing-style resemble that of a bureaucratic machine. In that sense, the top-down reforms succeeded.¹³

To visualize policing in 2016 Britain, compared to the 1970s and 1980s, one can simply follow the trail of any incoming 999 call. The initial call and the reply of the control room are recorded as are all radio-communications between officers, including units being sent to the address of the caller. The time it takes a supervisor to pick up the new job created by the call and dispatch a unit is recorded ('dispatch time'). Trackers in the police cars give supervisors the chance to monitor where the unit is at any point in time. The response time of the unit is recorded and becomes part of the force's statistics on service delivery. At the scene, the body-worn cameras of the officers record their entire encounter with the caller and their dealing with the situation.¹⁴ If the scene of the incident is in a public place, CCTV footage will record the police officer's actions and often individual members of the public do the same on their smartphones, especially if force is used. If anyone is arrested at the scene, the arrest is also captured on the body-worn cameras of the officers. All public areas of police stations, including the custody block, to which the arrested person is then brought, are monitored by CCTV with audio, including interview rooms and holding cells. The interviews are recorded and strict rules apply as to how long all custody records have to be stored. All detained individuals have the right to make a phone call, speak to their solicitor at any time, be served meals and drinks, and have a period of eight hours of rest in the 24 hours the police can hold them (Interviews with British police officers, April 2016; House of Commons 1984).¹⁵

What this illustration shows is the limited opportunities police officers today have to exercise the kind of discretion the scholarship on the 1980s and 1990s discusses. Police conduct is not only monitored on the streets, in public places, and private homes, but also in the police station. All conduct is furthermore subject to internal and external investigations. This serves to discourage the form of solidarity that in the past lead officers to help colleagues cover up mistakes or policy breaches.¹⁶ Such cover-ups are also made harder by the institutionalization of Victim Satisfaction Call-Backs, a policy introduced by all forces around the late 2000s, in which supervisors randomly call up victims of investigated crimes to ask

whether they were satisfied with the police service provided.¹⁷ Further, a formal policy on handling domestic violence, an area in which previously discretion was broad, was brought in as of 2009. This policy requires officers to fill in a DASH (domestic abuse, stalking, honor-based violence) form, essentially a tick list of whether the severity of a case is to be graded ‘standard’, ‘medium’, or ‘high’, which then determines the police response. This has closed off the possibility of officers accepting threadbare accounts of victims claiming to have ‘fallen down’ or ‘having run into an open door’ because they are scared of the perpetrator’s reaction or the lack of interest and action by the police. At the same time ‘positive action’ policies were introduced, meaning the police had to act, at the very least, to remove one party from the dispute scene or put future safeguards into place. The possibility to ‘cuff’ jobs, has hence been further limited.¹⁸

The essential difference between policing in the 1970s and before and policing in 2016 is the degree of institutionalization and accountability; an ongoing process the above policy changes show. While policing scholars Gordon Peake and Otwin Marenin rightly point out that the police reform community tends to re-invent the wheel rather than read the lessons provided by their predecessors, this comparison does highlight the absurdity of recommending post-conflict police reform lessons based on a UK and US policing reality that no longer exists.¹⁹ Rather than follow the street cop fallacy, the following sections show the realities of police reform in Kosovo and Bosnia-Herzegovina and highlight how these realities determine where to focus police reforms most effectively.

International Police Reform

The question of what policing is has filled many books.²⁰ A useful definition is provided by Waddington, who considers policing “the exercise of the authority of [the] state over the civil population. That authority is based on the monopoly of legitimate coercion. How this is done and the way that policing is organized reflects the relationship between the

civil population and the state.”²¹ This definition draws attention to several features that make policing such an important task. First, the police are the most visible arm of the state. As the primary internal security instrument, police are tasked with maintaining civil law and order in the state, as opposed to the military who are in charge of external security. Second, the police embody the state’s legitimate right to the use force. In the Weberian understanding, a state’s sovereignty is defined precisely by this monopoly of the use of force.²² How police are used and structured is therefore a key political concern for the state and its citizens. Finally, the police’s organizational culture mirrors the state’s approach to its own citizens. The police can, at extreme ends, either serve the state and protect it against its population, or it can serve the citizens and ensure their security.²³ The police therefore play a key role in the organizational structure of a state.

In civil wars, law and order breaks down or is enforced by military rather than civilian means. This confounds the traditional internal and external security roles of the police and military.²⁴ Additionally, the police itself often become embroiled in the conflict, and lose their civilian nature and neutrality. In many cases the police become or have traditionally been tools of oppression in the hands of elites and used against the population or parts of the population.²⁵ In order to ensure lasting peace, conditions have to be created in which the police maintain law and order, protect all civilians, and are accountable to comprehensive civilian controls.²⁶

Ideally, each society can create these conditions internally. However, after conflict the resources and capabilities of states and the ties that hold together society are often shattered. External support for police reforms comes into play in such situations where either police capacities are absent, or so dysfunctional and biased they cannot effectively carry out the core responsibilities listed above.²⁷ Reforming police after conflict is hence not a technical exercise aimed at strengthening an apolitical institution, but a social and political task that goes to the heart of local power balances and perceptions of internal security.²⁸ Consequently, local

organizational structures and power hierarchies influence how police reform is carried out most efficiently and which level of the police it needs to target to be most effective. The following case studies show that unless the organizational structures of the local police are the subject of reform, it is most effective to work with them rather than against them.

EU Police Building

Throughout the Yugoslav wars in the 1990s, the EU witnessed its dependence on US warfighting ability. The militaries of the member states were unprepared for anything but territorial defence, lacked force projection capabilities, and a common strategic culture.²⁹ In reaction, France and Britain signed what became known as the St Malo Declaration in December 1998, which states that ‘the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises’.³⁰ The outcome was the Common Security and Defence Policy (CSDP), inaugurated in 1999, with which the EU equipped itself with the mechanisms for conducting independent military and civilian crisis management. While the development of military means had been prioritized and made headlines both internationally and in the member states, it was the civilian crisis management capacities which have grown fastest and from which the vast majority of missions have been deployed so far.³¹ Civilian Crisis Management, which includes police reform, is the EU equivalent of United Nations peacebuilding. Both can potentially apply to pre- and post-conflict situations in which non-military tools are required to secure peace and stability. The EU deployed its first peacebuilding mission on 1 January 2003, the EU Police Mission in Bosnia-Herzegovina.

The Yugoslav Legacy

This section analyses police reform efforts by the EU in Kosovo and Bosnia and illustrates on the bases of empirical data where on the spectra of hierarchy and

institutionalization these forces can be found, and how this position determines their policing styles. As argued above, the organizational style of any police force determines at which level police reforms are targeted most effectively.

Kosovo and Bosnia had both been part of the communist state of Yugoslavia since 1945 and emerged in their current form after the protracted and violent struggles known as the Yugoslav wars.³² Bosnia had been a republic within Yugoslavia and hence one of its constituent units with the theoretical right to secede. Just how theoretical this right was, became obvious when the government declared Bosnia's independence from Yugoslavia in 1992 and was subsequently invaded by troops from Serbia and Croatia fighting to retain the territory of 'their' ethnic groups. In the four years of civil war, Bosnia was torn apart and the Bosnian police, divided into ethnically coherent units, turned into paramilitary troops that were involved in some of the worst atrocities committed during the war.³³

Kosovo had been an autonomous province of the Republic of Serbia despite its ethnic Albanian majority and was thus considered part of Serbia even after the war. Serbia, under Slobodan Milosevic, instituted an effective "apartheid regime" in Kosovo from 1989 onwards, banning Albanians from holding public office and other jobs, or being taught in their own language.³⁴ The Kosovo conflict became militarized in 1997/98 when Kosovo-Albanians saw the international community resolving the Bosnian war without considering the situation of Kosovo-Albanians. The Kosovo Liberation Army started an armed insurgency against the Serbian regime that controlled Kosovo which lasted until March 1999 when NATO decided to stop what was amounting to ethnic cleansing by the Serbian Army in Kosovo.³⁵ However, after the withdrawal of Serbian troops, the Serbian controlled administration broke down, necessitating a UN administration of Kosovo.³⁶ Kosovo-Albanians declared independence from Serbia unilaterally in 2008 and remain to this date in legal limbo as Serbia and Russia block their acceptance into the UN to deny them international legitimacy. The Kosovo police, controlled and staffed mainly by Serbs, disintegrated after the NATO bombings.

While the approach of the international community to police reform in the two countries was as different as their respective situations after the wars, their local background of police styles was remarkably similar, being shaped by existing and traditional Yugoslav policing mentalities. Beginning in 1996, Bosnian police reform was carried out by the International Police Training Force (IPTF), mandated by the United Nations. It was mandated to vet all officers for war crimes and significantly reduce the size of the police force, which had swelled during the war. Despite criticisms and drawbacks, IPTF succeeded in demilitarizing the Bosnian police, reasserting its role and self-understanding as a civilian law and order enforcer, and starting to create the mindset of public service.³⁷ The European Union Police Mission in Bosnia-Herzegovina (EUPM) took over from IPTF in January 2003 with the mandate to bring the local police 'closer to European standards'.³⁸

In Kosovo, however, the decision was taken by the UN mission to build up a new police force from scratch and takeover executive policing of the country in the meantime. The Kosovo Police (KP) started acting as an independent police force in charge of the territory after the country's declaration of independence in 2008 as local politicians refused to respect the UN mission's right and legitimacy in governing and policing.³⁹ The Kosovo government did, however, accept the EU Rule of Law Mission (EULEX) for advising and monitoring the local police.⁴⁰ As Kosovo is not recognized as an independent state by the UN and some EU member states, EULEX officially continues the UN policy of not recognizing Kosovo's independence and treating Kosovo's status as unresolved. This is, however, only diplomatic window-dressing to maintain Russian and Serbian support for the operation as much of EULEX's work is based on Kosovo state laws.⁴¹

Both Bosnia and Kosovo hence have featured two of the largest and most comprehensive EU police missions to date; EUPM closed down in June 2012 after nine years on the ground, while EULEX is still ongoing. There are excellent works on both missions and the impact they have or have not had on the local police, but this chapter focuses on the

structures and hierarchies of the two police forces in order to explore how international reforms can be best targeted.⁴²

Hierarchy Trumps All

Despite their different experiences during and after the Yugoslav wars, both Kosovo and Bosnia share the legacy of Yugoslav policing, which remains visible and strong in both 'new' forces. The police in the former Yugoslavia was a highly professional force whose aim was to protect the state from internal threats. Policing was therefore directed against controlling the behavior and action of the population and ensuring their support to the state. The police adhered to a very strict understanding of hierarchy within the command structure, which made decision-making rigid and consequently slow.⁴³ This organizational legacy of Yugoslav times has persisted despite the reforms in Bosnia and the creation of the Kosovo Police. Both forces display a very strict command structure characterized by little to no delegation of power to middle-management or lower ranks, centralization of decision-making at the top (no matter how small the decision) and consequently very little discretion for lower ranking officers. Any changes or reforms need to follow this top-down organizational structure. Diversion from this command structure is penalized swiftly and harshly and the weakness of the local police federations mean officers know better than to argue with their superiors.⁴⁴ A local cultural tradition of respect for authority figures and elders further compounds this absolute hierarchy.

It is this reality of policing in Bosnia and Kosovo in which the reforms of EULEX and EUPM haven been taking place. For both operations, no reform of the police structure and organization was envisioned, which means any reforms have to occur with the consent of the existing leadership. Both operations employed colocation as a means of delivering reforms. Colocation means placing international officers alongside their local counterparts to monitor, mentor, and advise them in accordance with the mandates of the two missions.

In Bosnia, the first of the two missions, colocation was only effected at the middle- and senior ranks of the local police as the EU wanted to exercise a small footprint and not be too intrusive.⁴⁵ EUPM therefore did not work with ‘street cops’ but focused their reforms on the higher ranks. Michael Merlingen and Rasa Ostrauskaite criticize this lack of involvement with lower ranks quoting the 1980s and 1990s scholarship which highlights the danger of not including street cops into the reform process. For these authors, EUPM’s organizational approach to reform was therefore a direct explanation for the mission’s failure to implement reforms in a meaningful way.⁴⁶

However, my own field work in Bosnia, combined with an examination of EUPM’s monthly reports, show a different picture. While EUPM was clearly struggling to implement reforms and to obtain local support beyond rhetoric and empty gestures, this was not because of their organizational approach but because of the content of the reforms. The Dayton Peace Agreement of 1995 established a Bosnian state that comprised two strong (ethnically-based) entities: the Bosniak-Croat Federation and the Serb-majority but ethnically mixed Republika Srpska (RS), hence achieving peace by separating the warring parties.⁴⁷ Policing is an entity right, which, in the Republika Srpska is conducted by one centralized force and in the Federation by 10 cantonal forces.⁴⁸ EUPM’s mandate and reform program aimed at strengthening the central level of the state and support the Office of the High Representative’s project to centralize the police, abolishing the decentralized system of police.⁴⁹ These reform projects threatened the established local power structures in the RS and the delicate balance of power between the ethnic groups in mixed Federation cantons such as Mostar.

The RS vehemently opposed any reforms that would take policing rights away from the entities, arguing that policing is a vital security guarantee for Serbs in the Bosniak-majority Bosnian state, and that such a change would contravene the constitution; a valid assertion.⁵⁰ In the mixed Federation cantons like Mostar the police became a tool for ethnic power plays in which the two groups, Bosniaks and Croats, asserted their dominance and ensured protection

of their own respective group. While now in one Federation, Mostar is the stark reminder that these two groups were initially enemies that fought a very bitter war in and around Mostar. They only allied in February 1994 to face the greater threat of the Serbian military.⁵¹ Interviews with local police officers and former EUPM staff show the entrenched nature of these power struggles in Mostar. At the time of my field work, the position of police commissioner had been vacant for over three months as the two groups could not agree on a candidate. The fact that there was a ‘neutral’ board that was meant to make the appointment (introduced by IPTF reforms) was literally laughed at by one interviewee, a high-ranking Mostar police officer.⁵² Politics and ethnic power struggles pervade policing in Bosnia and the following statement of the International Crisis Group rings as true today as it did at the time of the report:

The role of the police is not seen as being to ‘serve and protect’ everyone, but to serve and protect ‘one’s own kind’, whether they be co-nationals, colleagues or political master. The communist-era doctrine that the police exist to defend the regime persists, except that the working class has been replaced by the nation as the ostensible beneficiary. Even ‘moderate’ politicians expect—and are often allowed—to influence investigations, recruitment, and budgetary allocations.⁵³

The police are linked directly to politics, usually through the senior police ranks. While this link is institutionalized through the oversight of the Ministry of Interior it is abused to take direct influence in the running and operations of the police. Both EUPM reports and interviewees tell tales of aborted investigations, lost evidence, or unwilling investigators in cases related to well-connected individuals or politicians.⁵⁴ The years-long struggle with the RS to persuade them to ‘find’ former Bosnian-Serb leaders wanted by The Hague for war crimes, including Radovan Karadzic, illustrates this problem.⁵⁵

The abuse of power, in which the police is an important tool, also has considerable influence on the way policing is conducted and the chain of command. EUPM’s struggle to

implement community policing as a new approach in which the community serves as a partner and reference point for policing priorities, was characteristic for the content of the reforms being the problem, not their organizational approach.⁵⁶ Community policing was meant to heal the broken trust between the population (particularly ethnic minorities living in a majority area) and the police that had become militarized and actively participated in the atrocities committed during the war.⁵⁷ These reforms entail by definition a delegation of power from the higher ranks to lower ranked community police officers and to the community.

EUPM's community policing reforms were introduced into the Federation cantons and the RS in May 2004.⁵⁸ Implementation consisted of four different stages through which all Federation cantons worked without major problems. In the RS, however, the Ministry of Interior, responsible for the police, refused pointblank to introduce the reforms.⁵⁹ Only after considerable pressure was put on the RS leadership by EUPM and the OHR (including threatening to fire recalcitrant officers) were the reforms slowly started in November 2004. They were reported as finished in 2005.⁶⁰ Speaking to officers of the RS police and members of the Ministry of Interior (MOI) reveals that these reforms were resisted because they threatened the tight grip the MOI holds over the police. Delegation of power was equated with 'loss of power', which was resisted at all costs.⁶¹ In the ethnically mixed canton of Mostar, where implementation had worked fine, community policing was abandoned the minute the EUPM co-locators left. Mostar today does not have a community policing concept for the same reasons as the RS.⁶²

These examples showcase that the problems EUPM faced in implementing their reforms were due to local resistance to the content and consequences of reform, rather than the fact they did not consult street cops. Indeed, EUPM learned very quickly, as did I with regard to obtaining permission for my interviews, that in Bosnia all policing decisions are taken by senior leaders. There is consequently no point whatsoever in consulting street cops

about reforms, or indeed trying to interview them without senior rank permission. The Yugoslav legacy in Bosnia entails an almost absolute chain of command without delegation of power to lower ranks. As these reform examples show, the slightest indication that a delegation of power would be required was resisted greatly.⁶³

The scholarship on post-conflict police reform uses Kosovo as an example of how the EU has learned from its mistakes, as in Kosovo co-location was affected throughout all ranks of the police.⁶⁴ International officers accompanied their counterparts ranging from lower ranking officers to the general director of the police. Speaking to EULEX staff, however, reveals that this was simply window-dressing as working with lower ranks was ‘incredibly frustrating’ and ‘pointless’.⁶⁵ All interviewees confirmed the same story. Lower ranking officers were friendly and interested in the reforms, but would refuse to implement anything without the direct order of their line manager. If problems of cooperation or with details of the reforms occurred with a lower ranking officer, the EULEX member of staff would have to speak to his EULEX superior to get him to speak to his local counterpart and make him order his lower ranked officer to comply with the reform. Lower ranked officers showed no flexibility in making decisions even if they were officially within their remit but always consulted with their line manager, who usually then consulted his, all the way up to the senior management. This was a time-consuming exercise that frustrated EULEX officers who told me they were simply not used to such a lack of delegation of power.⁶⁶ The same was true for middle-management ranks, who were also unwilling to make decisions. One long-serving EULEX officer observed ‘this is not a chain of command they have here. There is flexibility in any chain, between the links, you know. This here is a rod of command’.⁶⁷

While politicization of the police is less of a problem in Kosovo’s day-to-day policing, it does permeate the senior ranks. This is facilitated by the Law on Police, which makes the general director appointable by the Prime Minister for terms as short as six weeks.⁶⁸ This ensures political control of the direction of the police and is used to cut short investigations

into well-connected individuals or members of government.⁶⁹ This also could be seen in the reaction of local officers when co-located with EULEX officers during investigations into organized crime or in cases of alleged corruption. In many cases, the local officers would simply admit they did not feel comfortable investigating the case as they feared the consequences. The same is true for local judges, many of whom refused to try certain individuals.⁷⁰ EULEX reforms that targeted the interface between the police and the prosecution were never started on the local side for in transparent reasons including ‘lack of resources’⁷¹ That is the reason EULEX was granted executive powers in investigating and trying individuals for war-crimes, serious financial crimes, as well as corruption and organized crime. However, their track-record is, for different reasons, not much better.⁷²

The Yugoslav legacy of a strict command structure, no delegation of power, and little discretion for lower ranking officers is hence as present in Kosovo as it is in Bosnia. EULEX staff equally had to learn quickly that targeting the senior ranks of the police was the only effective way of getting anything done. This comparative analysis of Bosnia and Kosovo shows that despite the different approaches to police reform taken by the international community, vetting versus recreating the police, and the difference between EUPM and EULEX with regards to colocation, the result was similar in both cases. In both countries, the local police judged police reforms on their content and the danger they posed to entrenched authorities rather than on whether they targeted lower ranked officers. Whenever the local police had a general director who was supportive of international reforms, their reform implementation increased in speed and ease, whereas general directors who were suspicious of the international influence slowed reforms down.⁷³

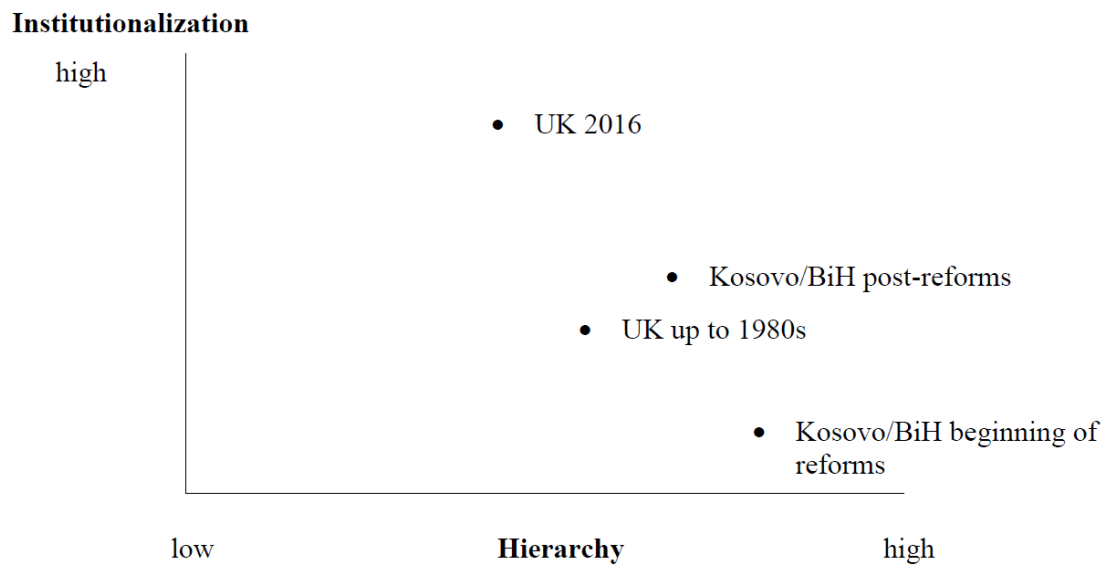
The absolute power of the chain of command in Kosovo and Bosnia means that any reforms that have senior management backing will be enforced through the chain and implemented correctly. This was shown during many of my interviews at police stations across Kosovo, which were implementing EULEX’s reforms. The station managers often did

not know that these reforms were not police chain of command reforms, because that was who ordered them to be implemented. Once the reforms become part of the local chain of command, implementation is almost guaranteed as, like in Bosnia, the hierarchy of the police trumps all other considerations of lower ranking officers, even if they doubt the merit of the reforms. A bottom-up approach to police reform that targets street cops is hence ineffective and impractical in both Kosovo and Bosnia.

A Policing Matrix

This chapter deals with several different fields of policing scholarship and concepts. This section draws these diverse issues together and highlights the determinants that underlie the different policing cultures that have been discussed. This section shows that all these styles work on the spectra of two policing principles: institutionalization and hierarchy. As elaborated above, the position on each spectrum determines the ensuing policing style and tells us how to approach reforms. The different styles of policing this chapter has explored all fall at different points on the matrix constructed by these two policing principles. The below graph is a visualization of the matrix and the approximate positions the different policing styles take.

Graph 1: Matrix of Hierarchy and Institutionalization.



This graph illustrates the different degrees of institutionalization and hierarchy that determine the policing style of the forces analyzed here: the UK before the late 1970s, the UK in 2016, and Kosovo and Bosnia pre- and post-conflict. The graph shows the result of the process of reforms the countries went through and how it changed their place in the matrix. Kosovo and Bosnia retained a very high degree of hierarchy in which orders are obeyed without question. However, the reforms did have an impact on the degree of institutionalization of the local police forces. Writing and implementing policies for the forces was a large part of the reform agenda of both EUPM and EULEX, and while some of the more controversial policies and SOPs have only ended up in senior leaders' drawers, many others are being implemented and have led to a more coherent approach to policing. Examples of this include a more coherent approach to traffic policing in Kosovo where officers only issue penalty notices, but to deter corruption they do not collect fines on the spot. Also, the public complaints procedure in both countries has been regulated to ensure a systematic collection and response to complaints about officers rather than burying them. This is mirrored in Kosovo by the high approval ratings of the population for their local police, crucial documents that do not exist in this form for Bosnia.⁷⁴

Policing in the UK changed from a position in which hierarchy trumped institutionalization (the 1960s and 1970s) to a position in which institutionalization is so strong that officers will no longer unquestioningly follow orders they know to breach policy. This does of course still happen, but only in minor cases, and it is more often that officers report incidents they have witnessed, including examples of arresting a colleague for drunk driving, inappropriate sexual relations with victims, or breach of data protection.⁷⁵ Hierarchy still matters of course; an order is binding for officers unless it breaches policies or law.

The police are an inherently hierarchical organization, but the style of policing nevertheless fluctuates between the ends of these two spectra. In police forces that are located on the higher end of the hierarchy spectrum, it is unlikely that lower ranking police officers will have much discretion beyond what they are granted from the chain of command. The same is true for officers of police forces that are located high on the institutionalization spectrum, but for the different reason that their actions are guided and limited by existing policies and laws, rather than their line managers.

Understanding these determinants of policing styles and how they align can provide a guide for successful police reforms. Street cops will have discretion in some forces and in those cases making sure they are on board with the reforms will have an impact on how successfully they are implemented and adhered to. However, there are many forces, post-conflict or not, where for different reasons targeting reforms at street cops is a waste of time and may in the worst case alienate the senior management, further limiting the chance of success.

Conclusion

This chapter has critically analyzed the scholarship and the context in which the writings on street and management cops originated. It has found that the very specific time and policing context this scholarship describes no longer corresponds to policing realities in

the UK. That means first, that the current policing background UK officers seconded to international police operations would fall back on is very different to that described in the street cop scholarship dating from the 1980s and 1990s. Second, if many Western states have overcome this state of policing that underlies the street cop scholarship, why would we apply it to post-conflict police reforms? While it is certainly useful to learn lessons from past scholars and practitioners as Peake and Marenin point out, it is absurd to apply lessons based on a UK and US policing reality that no longer exists (and with good reason).

Underlying the street cop fallacy is a useful distinction between targeting police reforms at the top or at the bottom level of the organization. However, as this chapter has demonstrated, which level is targeted needs to be informed by the policing realities of the country the mission operates in and not simply by a wholesale import of recommendations from a (potentially outdated) academic scholarship. The final section of this chapter has drawn out the operating principles that determine the policing style of any police force: the position a force takes on the matrix of hierarchy and institutionalization. Understanding this position assists in targeting police reforms to the level they can operate at most effectively. Police forces that are strictly hierarchical like the ones in Kosovo and Bosnia will adopt a top-down approach to reforms and this needs to be recognized by the implementing international agencies—unless it is the organizational approach that is subject to reform. In addition to technical expertise, successful reform requires knowledge of the local context, culture, and police organization, something few international operations have recognized.⁷⁶

Targeting police reforms to the right level of the police means utilizing the local organizational power for its own benefit. In Kosovo and Bosnia, the absolute power of the chain of command meant that once reforms had been accepted by the senior management, implementation and adherence were almost guaranteed. Given the increasingly tight budgets of international operations, especially since the last economic downturn, operations and their sending organizations are under pressure to deliver results and show success.⁷⁷ Finally, donors

and practitioners have increasingly understood the importance of winning local legitimacy and support for their projects and reforms as legitimacy can ensure local compliance and support for reforms, which in turn increases the likelihood of the reforms becoming sustainable.⁷⁸ Targeting reforms to the right level of the police means working ‘with the grain’, utilizing the power of the local organization, and ideally winning their legitimacy and respect for showing knowledge and consideration to local organizational practices.

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⁵ In police-speak to ‘crime’ a job means to recognise that an offence has been committed and to formally start an investigation, which means the job will show up in the crime statistics. Consequently, to ‘cuff’ a job means to get rid of it to avoid having to investigate it and avoid it showing up in the crime statistics.

⁶ Life on Mars is a 2006/2007 BBC TV series in which a modern day copper from Manchester wakes up after an accident to find himself in 1973 Manchester. The series is about how he struggles to adapt to their realities of policing. See BBC, <http://www.bbc.co.uk/programmes/b006t85s>.

⁷ Waddington, ‘Policing Citizens’, p. 31.

⁸ Ianni and Reuss-Ianni, ‘Street Cops and Management Cops: The Two Cultures of Policing,’ p. 253.

⁹ Ibid, p. 254.

¹⁰ Ibid, p. 254.

¹¹ Holdaway, ‘Recruitment, Race, and the Police Subculture.’

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¹³ Waddington, ‘Policing Citizens’, p. 31.

¹⁴ Police standard operating procedures now dictate that any encounter with a member of the public is recorded on body-worn camera. This is to ensure accountability as well as correct police conduct.

¹⁵ House of Commons, *Police and Criminal Evidence Act*; Interviews with UK Police officers, April 2016.

¹⁶ See the website of the IPCC for their powers: <https://www.ipcc.gov.uk/>.

¹⁷ Thames Valley Police, Freedom of Information Request to Thames Valley Police. 25th June 2016. On File with the Author; Metropolitan Police Service, Freedom of Information Request to the Metropolitan Police Service. 17th June 2016. On File with the Author. There is a rather stark example of the need for such checks in Thames Valley Police. The investigating officer kept a log of his checks on the victim which turned out to be entirely fabricated when supervisors realised the victim had actually passed away months prior,

<http://www.bbc.co.uk/news/uk-england-berkshire-35776843>.

¹⁸ Interview with PSD Inspector of Thames Valley Police, March 2013

¹⁹ Peake and Marenin, 'Their Reports Are Not Read'.

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⁴⁸ In addition, there is one Federal police force, a separate force for the Brcko District which joins the Federation to the Republika Srpska in the north, and two state-wide forces tasked with border control and serious crimes.

⁴⁹ The Office of the High Representative is an international institution responsible for overseeing the implementation of the civilian aspects of the General Framework Agreement for Peace that ended the Bosnian civil war in 1995. The High Representative has the power to remove public officials including police officers, who violate the Dayton Agreement and to impose laws if the elected officials fail to do so.

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⁶³ There was less resistance in the ethnically more homogenous cantons as delegation there did not threaten the chain of command's power and the political grasp over the police as there were no power struggles ongoing.

⁶⁴ Merlingen, Michael and Ostrauskaite, Rasa, *European Union Peacebuilding and Policing : Governance and the European Security and Defence Policy* (London: Taylor & Francis, 2006); Merlingen, Michael, 'The EU Police Mission in Bosnia and Herzegovina (EUPM).', in Grevi, Helly, and Keohane (eds.) *European Security and Defence Policy The First 10 Years* (European Union Institute for Security Studies, 2009), pp. 161–71.

⁶⁵ Interviews, EULEX staff, Kosovo, April 2013.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ The Assembly of Kosovo, *Law on Police*. Law Nr. 03/L-035, 2008.

⁶⁹ International Crisis Group, 'The Rule of Law in Independent Kosovo'.

⁷⁰ Interviews, EULEX staff, April, 2012; International Crisis Group, 'The Rule of Law in Independent Kosovo'.

⁷¹ EULEX, *Monitoring, Mentoring and Advising Tracking Mechanism*. (Prishtina, February 2011); EULEX, *Programme Report 2011* (Prishtina, 2011).

⁷² KIPRED, 'A Comprehensive Analysis of EULEX: What next?' (Policy Paper No 1/13. Prishtina, January 2013); Gippert, Birte Julia, 'The Sum of Its Parts? Sources of Local Legitimacy,' *Cooperation and Conflict* 51(4), pp. 522-538 ; EULEX, *Programme Report 2010* (Prishtina, 2010).

⁷³ EULEX, 'EULEX Programme - Final Report on MMA Action PSD 14/2009 - Annual Patrol Plan/Stations' (Prishtina, 25 March 2012).

⁷⁴ Saferworld, 'Still Time to Act.' (Prishtina, October 2012); Saferworld, 'A Matter of Trust.' (Prishtina, October 2010); Bennett, Christine, 'Public Perceptions of Safety and Security in Kosovo: Time to Act.' (Prishtina, October 2011); UNDP, 'Public Pulse Poll.' (Prishtina, August 2012).

⁷⁵ Interviews with UK officers, March 2016.

⁷⁶ Autesserre, Severine, *Peaceland. Conflict Resolution and the Everyday Politics of International Intervention* (New York: Cambridge University Press, 2014).

⁷⁷ Jones, Bruce, Gowan, Richard, and Sherman, Jake, 'Building on Brahimi: Peacekeeping in an Era of Strategic Uncertainty' (NYU Centre on International Cooperation., 2009).

⁷⁸ Whalan, Jeni, *How Peace Operations Work: Power, Legitimacy and Effectiveness* (Abingdon: Oxford University Press, 2013); Gippert, 'Exploring Local Compliance with Peacebuilding Reforms'; Department for International Development, 'State-Building, Peace-Building and Service Delivery in Fragile and Conflict-Affected States,' (London, 2012);

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